

**MEMO ENDORSED****SLEVIN & HART, P.C.**

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September 12, 2013

***Via Electronic Mail***

Hon. Katherine Polk Failla  
 United States District Judge  
 United States District Court for the  
 Southern District of New York  
 40 Foley Square  
 New York, NY

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 09/12/2013

**Re: Radio, Television and Recording Arts Pension  
 Fund, *et al.* v. Candlewood Partners LLC  
 12 Civ. 7684 (KPF)**

Dear Judge Failla:

This firm represents plaintiffs in the above-captioned action. I am writing with consent of counsel for defendant Candlewood Partners LLC ("Candlewood") to request an adjournment of the Initial Pretrial Conference currently scheduled for September 16, 2013 at 2:40 p.m. This is the first such request by either party. Late last week, we received a letter from counsel for Candlewood requesting, *inter alia*, our consent, pursuant to Rule 15(a)(2) Fed.R.Civ.P., to the filing of a Verified First Amended Answer.

In the proposed Verified First Amended Answer, a copy of which was enclosed with the letter, Candlewood alleged, for the first time, certain information concerning the ownership structure of Venue Services Group, Inc., a former defendant in this action against which plaintiffs have obtained a default judgment. This information, if verified, may bear upon certain issues central to the pending action and may result in the resolution of the litigation. Accordingly, an adjournment of the conference for four to six weeks will allow for full review of the provided information and for further discussions between the parties prior to determining whether it will be necessary to formulate a discovery plan or incurring the legal expense occasioned by counsels' attendance at the Conference.

Your consideration of this request is greatly appreciated.

Respectfully yours,



Owen M. Rumelt

OMR.kdb.4279.005

cc: Maynard A. Buck, Esq.

September 12, 2013

Application GRANTED. The conference scheduled for September 16, 2013, at 2:40 p.m. is adjourned to October 17, 2013, at 4:00 p.m.

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SO ORDERED.



HON. KATHERINE POLK FAILLA  
 UNITED STATES DISTRICT JUDGE